

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: E. B. Elhilo; Art Unit: 1751; Docket No.: 3109

In RE: Application of Helge ROTHE, et al

Ser. No.: 10/511,671

Filing Date: October 18, 2004

July 13, 2007

LETTER TO THE EXAMINER

Hon. Commissioner of Patents

and Trademarks,

Washington, D.C. 20231

Sir:

In response to the final Office Action dated April 10, 2007 and in addition to the preliminary amendment with RCE filed June 7, 2007, please accept the accompanying certified English translation of the priority document and consider the following REMARKS:

REMARKS

Claims 13 to 17, 19 to 24, and 27 to 29 were rejected as anticipated under 35 U.S.C. 102 (a) by Masato Yoshioka, et al (JP 2003-104847 – referred to as JP '847 in the following remarks). The basis for the rejection is the provided English translation of JP '847).

A certified English translation of DE 102 27 238.7, which is the German priority document for the above-identified U.S. National Stage Application, accompanies this Letter to the Examiner. This certified English translation is being filed to show that claims filed in the amendment dated June 7, 2007 are entitled to the benefit of the priority date, namely June 18, 2002, which is the filing date of DE '238.7 in Germany.

JP '847 has a publication date of April 9, 2003 according to the English translation of this JP reference, which is only about a month earlier than the effective filing date of the above-identified U.S. National Stage application, namely May 14, 2003, the filing date of the PCT application. However the claims of the U.S. National Stage application are entitled to the benefit of the priority date of the German Priority document, namely 102 27 238.7 filed June 18, 2002 in Germany. This filing date of this DE priority document is almost a year earlier than the publication date of JP '847, which is thus not a valid reference that can be used to reject the claims of the present U.S. national stage application under 35 U.S.C. 102 or 103.

For the foregoing reasons withdrawal of the rejection of claims 13 to 17, 19 to 24, and 27 to 29 as anticipated under 35 U.S.C. 102 (a) by Masato Yoshioka, et al, JP '847, is respectfully requested.

Furthermore it is respectfully submitted that new claims 30 to 33 should **not** be rejected under 35 U.S.C. 102 (a) by Masato Yoshioka, et al (JP 2003-104847).

Should the Examiner require or consider it advisable that the specification, claims and/or drawing be further amended or corrected in formal respects to put this case in condition for final allowance, then it is requested that such amendments or corrections be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing the case to allowance, he or she is invited to telephone the undersigned at 1-631-549 4700.

In view of the foregoing, favorable allowance is respectfully solicited.

Respectfully submitted,

/ Michael J. Striker /

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